

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

HUBERT ARVIE

DOCKET NO. 2:23-cv-0717

VERSUS

JUDGE JAMES D. CAIN, JR.

CATHEDRAL OF FAITH MISSIONARY
BAPTIST CHURCH, ET AL

MAGISTRATE JUDGE WHITEHURST

MEMORANDUM RULING

Before the court are a Report and Recommendation [doc. 24] filed by the Magistrate Judge, recommending dismissal of all claims in this matter, as well as objections filed thereto [doc. 25] and a Motion to Amend [doc. 26] filed by plaintiff. Upon a de novo review, the court agrees that plaintiff's claims are frivolous. The allegations raised in the Motion to Amend against the defendant members of plaintiff's church fail to provide any new information against the basis of the magistrate judge's dismissal, namely that they were not state actors or in joint action with a state actor.¹ Accordingly, the Motion to Amend [doc. 26] will be **DENIED** and the Report and Recommendation [doc. 24] will be **ADOPTED**, resulting in the dismissal of this suit.

THUS DONE AND SIGNED in Chambers on the 31st day of October, 2024.



JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE

¹ Plaintiff summarily alleges that a state court judge “met and talked by telephone” with members of his church to ensure he would not prevail against them. Doc. 26, ¶ 13. But he also indicates that this information was contained in his second amended complaint, in which he complained at length about this judge's failure to recuse herself. Accordingly, this does not appear to be “newly acquired” information. Given that plaintiff has already amended his complaint twice in the seventeen months since the suit was filed, the court rejects any attempt to rework these allegations on the basis of undue delay and repeated failure to cure deficiencies by previous amendments. *In re Southmark*, 88 F.3d 311, 314 (5th Cir. 1996).